

b.) Remarks

Claim 1 has been amended in order to recite the invention with the specificity required by statute. Claims 2, 3, 5, 6, 8 and 9 have been cancelled. No new matter has been added.

Claims 2, 5 and 8 are rejected under 35 U.S.C. §101 and §112, second paragraph, as being improper “use” claims. In response, the Applicants have cancelled these claims so as to reduce the issues.

Claims 1-3 and 7-9 are rejected under 35 U.S.C. §102(e) as anticipated by Kase et al. (WO 03/063876 A2). In support of this rejection, the Examiner states that

Kase teaches a method of treating patients suffering from movement disorders such as Tics and Tourette syndromes (see column 1, paragraph 003) by administering one or more adenosine A₂ receptor agonists.

This rejection is respectfully traversed as being without bases in law. That is to say, Applicants wish to point out the present application claims benefit of U.S. application No. 60/509,039 filed December 27, 2002 whereas Kase was not filed until January 28, 2003 and claims benefit of U.S. application No. 60/352,413 filed December 28, 2002. Accordingly, as to claim 1, Kase is unavailable as a reference under 35 U.S.C. §102(e).

As to claim 7, Kase does not teach a method of treating patients suffering from Tics and Tourette syndrome by administering (E)-8-(3,4-dimethoxystyryl)-1,3-diethyl-7-methylxanthine.

In view of the above amendments and remarks, Applicants submit that all of the Examiner's concerns are now overcome and the claims are now in allowable condition. Accordingly, reconsideration and allowance of this application is earnestly solicited.

Claims 1 and 7 remain presented for continued prosecution.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

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